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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/702,218 | 10/30/2000 | Arthur W. Wang | PD-990302 | 9458 |
| 20991 | 7590 | 03/31/2006 | EXAMINER | |
| THE DIRECTV GROUP INC | | | LEE, JOHN J | |
| PATENT DOCKET ADMINISTRATION RE/R11/A109 | | | ART UNIT | |
| P O BOX 956 | | | PAPER NUMBER | |
| EL SEGUNDO, CA 90245-0956 | | | 2618 | |

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|-------------------------------|---------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/702,218 | Applicant(s) WANG, ARTHUR W. | |
| | Examiner JOHN J. LEE | Art Unit 2684 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 12-14.
Claim(s) objected to: 8, 23 and 32.
Claim(s) rejected: 1-7, 9-11, 15-22, 24-31 and 45-52.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

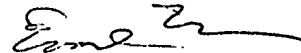
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant's arguments received on 2/28/2006 have been carefully considered but they are not persuasive because the combined teaching of all the cited references as set forth in the previous final rejection reads on all the claims.

For example, The Applicant argues that the Torkington (US Patent number 6,198,907) does not teach the claimed limitation "each satellite in an unclined, elliptical, geosynchronous orbit, each satellite providing a portion of time of the at least near continuous broadcast service to the terrestrial receiver, wherein the plurality of satellites augments at least one legacy satellite in a geostationary orbit". However, Torkington teaches a constellation is defined herein to mean an ensemble of satellites arranged in orbits for providing specified coverage of a portion or of all portions of the earth, and a constellation typically includes multiple ring (or planes) of satellites, and it can have equal numbers of satellite in each plane, although this is not essential, a constellation could include geostationary or non-geostationary, or a combination of both, and providing satellites with synchronized orbit (Fig. 2, 5 and column 2, lines 29-column 3, lines 22) that describes satellite's orbit and a constellation's configuration, and the inclination is a constant defining the angle at which the orbital plane intersects the equator, and inclined orbits may be circular or elliptical and may be synchronous (Fig. 9 teaches a plurality of satellites into a plurality of circular orbits based on a configuration plan) (see Fig. 5, 9 and column 9, lines 37 - column 10, lines 51), regarding the claimed limitation. Also, the applicant argues Torkington does not teach the claimed limitation "an antenna having a sensitivity characteristics". However, Torkington teaches the receiver antenna to track a sensitivity pattern for the apparent position of each of the satellites (Fig. 6 and column 6, lines 11-column 7, lines 30) regarding the claimed limitation. More specifically, since the applicant does not specifically define the limitation "sensitivity characteristics", can be interpreted the limitation for that a receiver has a controllable antenna to track point in correct direction and from at least one antenna beam with the desired characteristics.

Continuation of 13. Other:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Lee whose telephone number is (571) 272-7880.



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SUPERVISORY PATENT EXAMINER
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